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**TRANSMITTAL  
FORM**

(to be used for all correspondence after filing)

Application Number	10/057,107
Filing Date	January 25, 2002
First Named Inventor	Nico N. RACZEK
Group Art Unit	1651
Examiner Name	Deborah K. WARE
Attorney Docket Number	01/018 NUT

Total Number of Pages in This Submission

**ENCLOSURES (check all that apply)**

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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Or Individual Name	ProPat, L.L.C. 425-C South Sharon Amity Road Charlotte, NC 28211-2841
Signature	<i>U. Schmitt</i>
Date	July 22, 2004

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO to (703)872-9306 on the date shown below.			
Typed or printed name	Claire Wygand		
Signature	<i>Claire Wygand</i>	Date	July 22, 2004

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Attorney Docket No. 01/018 NUT  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE PATENT OPERATIONS

Art Unit: 1651 Examiner: Deborah K. WARE  
Applicants: Nico N. RACZEK  
Application No. 10/057,107  
Filed: January 25, 2002  
Title: Sorbic Acid Product Comprising Probiotics as Addition to  
Feedstuffs in Agricultural Livestock Rearing

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VirginiaCharlotte, North Carolina  
July 22, 2004

Dear Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action dated June 29, 2004, in the above-referenced application kindly enter the following amendments and consider the following remarks.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

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#### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

1. (Original) A product which comprises sorbic acid and at least one culture of a microorganism with probiotic activity (= probiotic).
2. (Original) A product as claimed in claim 1, which comprises at least 90 % by weight sorbic acid.
3. (Original) A product as claimed in claim 1, which comprises a probiotic or probiotics in an amount which corresponds to  $10^7$  to  $10^{10}$  viable microorganisms per g of the feed produced from the product.
4. (Original) A product as claimed in claim 1, wherein the probiotic is selected from:  
*Bacillus cereus, Bacillus clausii, Bacillus licheniformis, Bacillus subtilis, Bifidobacterium bifidum, Bifidobacterium breve, Bifidobacterium infantis, Bifidobacterium lactis, Bifidobacterium longum, Bifidobacterium adolescentis, Enterococcus faecium, Enterococcus mundtii, Lactobacillus acidophilus, Lactobacillus amylovorus, Lactobacillus bulgaricus, Lactobacillus casei, Lactobacillus crispatus, Lactobacillus farciminis, Lactobacillus gallinarum, Lactobacillus gasseri, Lactobacillus johnsonii, Lactobacillus paracasei, Lactobacillus plantarum, Lactobacillus reuteri, Lactobacillus rhamnosus, Lactobacillus salivarius, Pediococcus acidilactici, Saccharomyces cerevisiae, Streptococcus infantarius, Streptococcus thermophilus* and combinations thereof.
5. (Original) A product as claimed in claim 1, which additionally comprises at least one enzyme and/or enzyme product.
6. (Original) A product as claimed in claim 5, wherein the enzyme is selected from:

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phytase, cellulase, glucanase, hemicellulase (xylanase), amylase, galactosidase, pentosanase, glucosidase, various lipases, mannase (endo-1,4- $\beta$ ), polygalacturonase, transglutaminase and mixtures thereof.

7. (Canceled)

8. (Original) A feedstuff which comprises a product as claimed in claim 1.

9. (Original) An addition to feedstuffs which comprises a product as claimed in claim 1.

10. (Original) A feedstuff as claimed in claim 8, which comprises >0.0 to 2.0 % by weight (based on the feedstuff) of the product.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

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### Remarks

Claims 1-15 are pending in the application.

Applicants hereby elect the Claims of Group 1, i.e. Claims 1-6 and 8-10, directed to the products of the invention, without traverse. Please cancel Claims 7, and 11 - 15 without prejudice or disclaimer to the filing of continuing applications thereon.

It is not believed that fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



Klaus Schweitzer

See attached Limited Liability Recognition Form

ProPat, L.L.C.

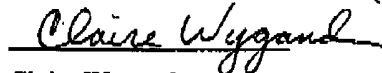
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Claire Wygand